

NATURAL RESOURCE COMMISSION[571]

Notice of Intended Action

Proposing rule making related to Iowa River buoys and speed restrictions and providing an opportunity for public comment

The Natural Resource Commission hereby proposes to amend Chapter 40, “Boating Speed and Distance Zoning,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 462A.26 and 462A.32.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 462A.26 and 462A.32.

Purpose and Summary

Pursuant to Iowa Code section 17A.7, the Scenic City Empress Boat Club (SCEBC) petitioned the Commission to amend Chapter 40 regarding regulation of buoys and speed restrictions in waters under the jurisdiction of the Commission. SCEBC operates riverboat cruises from its property at 1113 Union Street in Iowa Falls on the Iowa River. The petitioner has indicated that the safety of passengers loading and unloading from its Empress Riverboat is put at risk by the wakes of passing boats rocking the riverboat at its dock. SCEBC requested that the Commission designate a no-wake zone, marked by buoys, extending no more than 75 feet into the river channel, beginning at SCEBC’s west property boundary and ending at its east property boundary. The Commission supports this proposed rule change for the following reasons: (1) a no-wake zone will ensure passenger safety while passengers are boarding and unloading at the SCEBC dock, (2) ensuring safe operations of the Empress Riverboat will help support tourism which the riverboat cruises bring to Hardin County, and (3) placement of buoys will clearly mark the no-wake zone for all river users.

Therefore, the Commission proposes new subrules 40.36(3) and 40.36(4) to change the zoning of the Iowa River in Hardin County to add a no-wake zone adjacent to the SCEBC property in Iowa Falls, Iowa. This change is proposed in order to create a safe environment for the operation of the Empress Riverboat by reducing rocking of the boat caused by boat wakes during loading and unloading at its dock. The proposed subrules do not significantly affect general use of the river in this area, as the no-wake zone will not extend more than 75 feet into the Iowa River channel.

The proposed subrules also clarify that the SCEBC is responsible for the placement and maintenance of the buoys designating the no-wake zone. The language retains the provision that the City of Iowa Falls is responsible for the existing speed zone between the River Street Bridge and the dock at Dougan’s Landing.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. However, the Empress Riverboat is a large tourist draw for the county and positively impacts the local economy.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 561—Chapter 10.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on May 29, 2018. Comments should be directed to:

Susan Stocker
Department of Natural Resources
Wallace State Office Building
502 East Ninth Street
Des Moines, Iowa 50319
Phone: 515.725.8477
Fax: 515.725.8201
Email: susan.stocker@dnr.iowa.gov

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held. Upon arrival, attendees should proceed to the fourth floor to check in at the Department reception desk and to be directed to the appropriate hearing location.

May 29, 2018
1 to 2 p.m.

Conference Room 4W
Wallace State Office Building
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing will be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Adopt the following **new** subrule 40.36(3):

40.36(3) All vessels operated in a designated zone beginning at the west property boundary and ending at the east property boundary of the Scenic City Empress Boat Club property located at 1113 Union Street shall be operated at a no-wake speed. The zone shall not extend more than 75 feet into the Iowa River channel.

ITEM 2. Adopt the following **new** subrule 40.36(4):

40.36(4) The Scenic City Empress Boat Club shall designate and maintain the no-wake zone with marker buoys approved by the natural resource commission.